



Linda S. Adams  
Agency Secretary

# California Regional Water Quality Control Board

## Los Angeles Region

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Arnold Schwarzenegger  
Governor

**ORDER NO. R4-2009-XXXX**

**WASTE DISCHARGE REQUIREMENTS  
FOR  
DISCHARGES OF LOW THREAT HYDROSTATIC TEST WATER TO  
SURFACE WATERS  
IN  
COASTAL WATERSHEDS OF LOS ANGELES AND VENTURA COUNTIES**

**(GENERAL NPDES PERMIT NO. CAG674001)**

This Order was adopted by the Regional Water Quality Control Board on:	<b>June 4, 2009</b>
This Order shall become effective on:	<b>July 4, 2009</b>
This Order shall expire on:	<b>June 4, 2014</b>
The Discharger shall file a Report of Waste Discharge in accordance with title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than:	<b>60 days from the date of notification of adoption of this Order</b>
The U.S. Environmental Protection Agency (USEPA) and the Regional Water Board have classified this discharge as a minor discharge.	

IT IS HEREBY ORDERED, that Order No. R4-2004-0109 is rescinded upon the effective date of this Order except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted thereunder, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order.

I, Tracy J. Egoscue, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on June 4, 2009.

Tracy J. Egoscue  
Executive Officer

**California Environmental Protection Agency**



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**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION**

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## I. DISCHARGE INFORMATION

This Order is intended to authorize discharges of wastewater generated from hydrostatic testing.

## II. NOTIFICATION REQUIREMENTS

### A. Eligibility Criteria

1. This order covers discharges to surface waters of wastewater generated from hydrostatic testing which has low threat to the water quality.
2. To be covered under this Order, a Discharger must:
  - a. Demonstrate that pollutant concentrations in the discharge shall not cause violation of any applicable water quality objective for the receiving waters, including discharge prohibitions;
  - b. To enroll under this General Permit, the discharger must certify that the hydrostatic test will be conducted using potable water. The discharger must submit water supply quality data demonstrating that the potable water complies with the California Department of Public Health (DPH) Maximum Contaminant Levels (MCLs) for drinking water listed in Attachment A. Authorization will not be granted if the potable water supply contains constituents above the MCLs.
  - c. Certify that if the process of hydrostatic testing causes pollutants to be introduced in the test water, mitigation measures including BMPs will be implemented to correct the condition;
  - d. The discharge shall not cause acute nor chronic toxicity in receiving waters;
  - e. If necessary, the discharge shall pass through a treatment system designed and operated to reduce the concentration of contaminants to meet the effluent limitations of this Order; and
  - f. The Discharger shall be able to comply with the terms or provisions of this General Permit.
3. New discharges and existing discharges regulated under existing general or individual permits, which meet the eligibility criteria, may be regulated under this Order.
4. For the purpose of renewal of existing individual NPDES permits with this General Permit, provided that all the conditions of this General Permit are met, renewal is effective upon issuance of a notification by the Executive Officer and issuance of a new monitoring program.
5. When an individual NPDES permit with more specific requirements is issued to a discharger, the applicability of this Order to that discharger is automatically terminated on the effective date of the individual permit.

### B. Ineligibility

Authorization will not be granted to the following discharges:

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1. The potable water supply contains constituents above the MCLs.
2. The wastewater is contaminated with toxic pollutants with no effluent limitations in this General Permit.

### **C. Authorization**

To be authorized to discharge under this Order, the discharger must submit a Notice of Intent (NOI) Form in accordance with the requirements of Part D in Section II of this Order. Upon receipt of the application, the Executive Officer shall determine the applicability of this Order to such a discharge. If the discharge is eligible, the Executive Officer shall notify the discharger that the discharge is authorized under the terms and conditions of this Order and prescribe an appropriate monitoring and reporting program. For new discharges, the discharge shall not commence until receipt of the Executive Officer's written determination of eligibility for coverage under this general permit or until an individual NPDES permit is issued by the Regional Board.

### **D. Notice of Intent**

1. Deadline for Submission
  - a. Renewal of permits for existing dischargers covered under individual permits that meet the eligibility criteria and have submitted a NOI will consist of a letter of determination from the Executive Officer of coverage under this Order.
  - b. Existing dischargers covered under Order No. R4-2004-0109 will be sent a Notice of Intent (NOI) form that must be completed and returned to the Regional Board within 60 days of receipt; otherwise, permit coverage will be revoked. Existing and new dischargers enrolling under this Order are required to certify that potable water will be used for hydrostatic testing and that it meets the drinking water standards by submitting certified analytical data. Existing dischargers shall submit the certification with a NOI; otherwise, the authorization may be terminated for existing dischargers. Existing discharge that has been enrolled under the current permit within the last one year can re-submit the analytical data used for their initial enrollment with their NOI form. However, instead of an NOI, the Executive Officer may require an existing discharger to submit a new ROWD, may revise an existing discharger's monitoring and reporting programs, may require an existing discharger to participate in a regional monitoring program, or any combination of the foregoing.
  - c. New dischargers shall file a complete application at least 45 days before commencement of the discharge.
2. Forms for Report of Waste Discharge
  - a. Dischargers shall use the NOI Form.
  - b. The discharger, upon request, shall submit any additional information that the Executive Officer deems necessary to determine whether the

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discharge meets the criteria for coverage under this Order, to prescribe an appropriate monitoring and reporting program, or both.

- c. The following should be included with the NOI Form:
  - i. The feasibility study on reuse and/or alternative disposal methods of the wastewater;
  - ii. Description of the treatment system, if any;
  - iii. The type of chemicals that will be used (if any) during the operation and maintenance of the treatment system, if any;
  - iv. Flow diagram of the treatment system, if appropriate;
  - v. Preventive maintenance procedures and schedule for the treatment system.
- d. The NOI Form for new discharger shall be accompanied by the first annual fee in accordance with the Title 23 of the California Code of Regulations (CCR), Division 3, Chapter 9, Article (1)(A), section 2200, *Annual Fee Schedule*.

3. Notice of Termination

Dischargers shall submit a Notice of Termination or Transfer (NOTT) when coverage under this General Permit is no longer needed. An NOTT contains the Waste Discharge Identification Number (WDID) or compliance Inspection Number CI#, the name and address of the owner of the facility. The NOTT shall be signed and dated by the owner certifying that the discharge associated with Permit No. CAG674001 have been eliminated or that there has been a change in ownership. Upon submission, the discharger is no longer authorized to discharge wastewater associated with this General Permit.

4. Change of Ownership

Coverage under this Order may be transferred in case of change of ownership of land or discharge facility provided the existing discharger notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new dischargers containing a specific date of transfer of coverage, responsibility for compliance with this Order, and liability between them.

**E. Water Reuse Evaluation**

Pursuant to section 2, Article X, California Constitution, and section 275, of the California Water Code on preventing waste and unreasonable use of waters of the state, the Regional Board encourages, wherever practicable, water conservation and/or re-use of wastewater. To obtain coverage under this Order, the discharger shall first investigate and report the feasibility of conservation, land disposal and/or reuse of the wastewater.

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### III. FINDINGS

The California Regional Water Quality Control, Los Angeles Region (hereinafter Regional Water Board), finds:

#### A. Background

1. On July 1, 2004, the Regional Water Board adopted Order No. R4-2004-0109 General NPDES Permit No. CAG674001—Waste Discharge Requirements for Discharges of Hydrostatic Test Water to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties. The General Permit covers discharges of waste waters resulting from the hydrostatic testing or structural integrity testing of pipes, tanks, or any storage vessels using domestic water. Approximately 41 discharges are enrolled under this General Permit. The existing General Permit expires on July 1, 2009. This Order renews the requirements of this General Permit.
2. On September 22, 1989, the United States Environmental Protection Agency (USEPA) granted the State of California, through the State Water Resources Control Board (State Board) and the Regional Boards, the authority to issue general National Pollutant Discharge Elimination System (NPDES) permits pursuant to 40 Code of Federal Regulations (40 CFR) parts 122 and 123.
3. 40 CFR section 122.28 provides for issuance of general permits to regulate a category of point sources if the sources:
  - a. Involve the same or substantially similar types of operations;
  - b. Discharge the same type of waste;
  - c. Require the same type of effluent limitations or operating conditions;
  - d. Require similar monitoring; and
  - e. Are more appropriately regulated under a general permit rather than individual permits.
4. General waste discharge requirements and NPDES permits enable Regional Board staff to expedite the processing of requirements, simplify the application process for dischargers, better utilize limited staff resources, and avoid the expense and time involved in repetitive public noticing, hearings, and permit adoptions.
5. The Board finds that potable water used in hydrostatic testing is the same as the drinking water that is supplied to users through the potable water distribution systems. Hydrostatic test discharge is considered to be a de minimis discharge since only potable water that meets the Screening Criteria in Attachment A will be used for hydrostatic testing. Discharge of hydrostatic test water discharge under this permit has no reasonable potential to cause or contribute to nor in-stream excursion for priority toxic pollutants criteria. If hydrostatic testing has the potential to introduce incremental pollutants to the intake water due to flushing of residual pollutants in the vessel being tested, then incremental pollutants will be

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removed by treatment if necessary or mitigated. The Board finds that additional monitoring and reporting requirements, and the discharge limitations contained in this Order, are necessary to assure compliance with water quality objectives and standards, and that coverage under this Order is, therefore, necessary for hydrostatic testing discharges.

## **B. Facility and Discharge Description**

1. Hydrostatic test water is discharged to surface waters at various locations and project sites throughout this Region. Generally, hydrostatic test water is made up of potable/domestic water supplied by municipalities or potable water purveyors. Discharges of hydrostatic test water can cause, or threaten to cause minor impairment of existing beneficial uses of the receiving water. It may be necessary in certain instances to provide polishing treatment (such as filtration, sedimentation, etc.) to hydrostatic test water before discharge to remove pollutants introduced by the vessel being tested. The rate and volume of hydrostatic test water released at project sites varies from hundreds of gallons of water per day to millions of gallons of water per day, depending on the capacity of the vessel being tested. The discharge duration is usually short.
2. Hydrostatic test water discharge covered under this permit includes, but are not limited to the following:
  - a. Structure integrity testing of pipes, tanks, or storage vessels.
  - b. Repair and maintenance of pipes, tanks, or reservoirs.
3. Waste discharges from these activities will be more efficiently regulated with general permits rather than individual permits. The accompanying Order establishes requirements to regulate discharges of wastewaters generated from hydrostatic test to surface waters of the United States under the jurisdiction of this Regional Board.
4. Because this Order is intended to serve as a general NPDES permit and covers discharges to all surface waters in the Los Angeles Region, the effluent limitations establish pursuant to this general order are established to protect the most protective water quality objective for the surface water beneficial uses in the Los Angeles Region.
5. The Regional Water Board developed the requirements of this Order based on information submitted as part of the applications for several like facilities, through monitoring and reporting programs, and through special studies and the following information. The effluent limitations for discharges covered under this permit are calculated assuming no dilution. For most practical purposes, discharges from facilities covered under this permit do not flow directly into receiving water with significant flow volume to consider dilution credit or to allocate a mixing zone. Most discharges flows to storm drain systems that discharge to creeks and streams. Many of these creeks and streams are dry during the summer months. Therefore, for many months of the year, these discharges may represent all or nearly all of the flow in some portions of the receiving creeks or streams. These discharges therefore have the potential to recharge

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groundwater protected as drinking waters.

6. An exception to this policy may be applied based on approved mixing zone study and based on demonstration of compliance with water quality objectives in the receiving water as prescribed in the Basin Plan. This exception process is more appropriate for an individual permit, and would not be appropriate for a general permit, that should be protective of most stringent water quality objectives and beneficial uses. If discharger requests that a dilution credit be included in the computation of effluent limit or that a mixing zone be allowed, an individual permit will be required. However, if no mixing zone is proposed, this general permit provides coverage for all discharges to receiving water bodies in Coastal Watersheds of Los Angeles and Ventura Counties.

#### **C. Legal Authorities.**

This Order is issued pursuant to section 402 of the federal Clean Water Act (CWA) and implementing regulations adopted by the U.S. Environmental Protection Agency (USEPA) and chapter 5.5, division 7 of the California Water Code (commencing with section 13370). It shall serve as a NPDES permit for point source discharges from this facility to surface waters. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to article 4, chapter 4, division 7 of the Water Code (commencing with section 13260).

#### **D. California Environmental Quality Act (CEQA)**

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code sections 21100-21177.

This permit issuance involves the renewal of authorized hydrostatic test water discharges under existing general NPDES permits. The hydrostatic test water discharges under this permit are mostly intermittent, short duration, discharge. Hydrostatic test water discharges, as qualified under this permit, have been determined to pose no significant threat to water quality. The Regional Board actions on issuing this permit for existing and new hydrostatic test water discharges, and on the exceptions is exempt from CEQA in accordance with California Code of Regulations, Title 14, Section 15061 (B)(3) which states that CEQA only applies to projects which have the potential for causing adverse environmental effects

#### **E. Technology-Based Effluent Limitations**

Section 301(b) of the CWA and implementing USEPA permit regulations at section 122.44, title 40 of the Code of Federal Regulations<sup>1</sup>, require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards. The discharge authorized by this Order

<sup>1</sup> All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.

must meet minimum federal technology-based requirements based on Best Professional Judgment (BPJ) in accordance with Part 125, section 125.3 of CWA.

#### **F. Water Quality-Based Effluent Limitations**

Section 301(b) of the CWA and Section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards.

Section 122.44(d)(1)(i) mandates that permits include effluent limitations for all pollutants that are or may be discharged at levels that have the reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective for the pollutant, water quality-based effluent limitations (WQBELs) must be established using: (1) USEPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting the state's narrative criterion, supplemented with other relevant information, as provided in Section 122.44(d)(1)(vi). The WQBELs are based on the Basin Plan, other State plans and policies, or USEPA water quality criteria which are taken from the California Toxics Rule (CTR). These requirements, as they are met, will protect and maintain existing beneficial uses of the receiving water. The attached fact sheet for this Order includes specific bases for the effluent limitations.

#### **G. Water Quality Control Plans**

The Regional Water Board adopted a Water Quality Control Plan for the Los Angeles Region (hereinafter Basin Plan) on June 13, 1994, that designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. In addition, the Basin Plan implements State Water Resources Control Board Resolution No. 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply.

1. Basin Plan. The Basin Plan contains water quality objectives for, and lists the beneficial uses of, specific water bodies (receiving waters) in the Los Angeles Region. Typical beneficial uses covered by this Order include the following:
  - a. Inland surface waters above an estuary - municipal and domestic supply, industrial service and process supply, agricultural supply, groundwater recharge, freshwater replenishment, aquaculture, warm and cold freshwater habitats, inland saline water and wildlife habitats, water contact and noncontact recreation, fish migration, and fish spawning, preservation of rare and endangered species, preservation of biological habitats, and shellfish harvesting.

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- b. Inland surface waters within and below an estuary - industrial service supply, marine and wetland habitats, estuarine and wildlife habitats, water contact and noncontact recreation, commercial and sport fishing, aquaculture, migration of aquatic organisms, fish migration, fish spawning, preservation of rare and endangered species, preservation of biological habitats, and shellfish harvesting.
- c. Coastal Zones (both nearshore and offshore) - industrial service supply, navigation, water contact and noncontact recreation, commercial and sport fishing, marine habitat, wildlife habitat, fish migration and spawning, shellfish harvesting, and rare, threatened, or endangered species habitat.

Requirements of this Order implement the Basin Plan.

Total Maximum Daily Loads: Section 303(d) of the CWA requires states to identify specific water bodies where water quality standards are not expected to be met after implementation of technology-based effluent limitations on point sources. Los Angeles Region has been developing TMDLs for metals, nutrients and other toxic compounds. This Order implements approved and relevant TMDLs.

- 2. The State Board adopted a Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on May 18, 1972, and amended this plan on September 18, 1975.
- 3. The Water Quality Control Policy for the Enclosed Bays and Estuaries of California (Enclosed Bay and Estuaries Policy), originally adopted by the State Water Board in May 1974 and updated as Resolution No. 95-84 on November 16, 1995, states:

*"It is the policy of the State Water Board that the discharge of municipal wastewater and industrial process waters (exclusive of cooling water discharges) to enclosed bays and estuaries, other than the San Francisco Bay-Delta system, shall be phased out at the earliest practicable date. Exceptions to this provision may be granted by a Regional Water Board only when the Regional Water Board finds that the wastewater in question would consistently be treated and discharged in such a manner that it would enhance the quality of receiving waters above that which would occur in the absence of the discharge."*

The Policy also lists principles of management that include the State Water Board's goal to phase out all discharges (excluding cooling waters), particularly industrial process water, to enclosed bays and estuaries as soon as practicable. The waste described above is not considered an industrial process wastewater.

#### **H. National Toxics Rule (NTR) and California Toxics Rule (CTR)**

USEPA adopted the NTR on December 22, 1992, and later amended it on May 4, 1995 and November 9, 1999. About forty criteria in the NTR applied in

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California. On May 18, 2000, USEPA adopted the CTR. The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was amended on February 13, 2001. These rules contain water quality criteria for priority pollutants.

**I. State Implementation Policy**

On March 2, 2000, the State Water Board adopted the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy or SIP). The SIP became effective on April 28, 2000 with respect to the priority pollutant criteria promulgated for California by the USEPA through the NTR and to the priority pollutant objectives established by the Regional Water Board in the Basin Plan. The SIP became effective on May 18, 2000 with respect to the priority pollutant criteria promulgated by the USEPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005 that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control. Requirements of this Order implement the SIP.

**J. Compliance Schedules and Interim Requirements**

Not Applicable.

**K. Alaska Rule.**

On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal water quality standards become effective for CWA purposes (40 CFR §131.21, 65 FR 24641, April 27, 2000). Under USEPA's new regulation (also known as the Alaska rule), new and revised standards submitted to USEPA after May 30, 2000, must be approved before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000, may be used for CWA purposes, whether or not approved by USEPA.

**L. Stringency of Requirements for Individual Pollutants**

This Order contains both technology-based and water quality-based effluent limitations for individual pollutants that are no more stringent than required by CWA. This Order's technology-based pollutant restrictions implement the minimum, applicable federal technology-based requirements. Water quality-based effluent limitations have been scientifically derived to implement water quality objectives that protect beneficial uses. Both the beneficial uses and the water quality objectives have been approved pursuant to federal law and are the applicable federal water quality standards.

**M. Antidegradation Policy**

Section 131.12 of 40 CFR requires that State water quality standards include

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an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16, which incorporates the requirements of the federal antidegradation policy. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. As discussed in detail in the Fact Sheet (Attachment F), the permitted discharge is consistent with the antidegradation provision of 40 CFR §131.12 and State Water Board Resolution No. 68-16.

#### **N. Anti-Backsliding Requirements**

Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR §122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. All effluent limitations in this Order are at least as stringent as the effluent limitations in the previous Order.

#### **O. Endangered Species Act.**

This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with effluent limits, receiving water limits, and other requirements to protect the beneficial uses of waters of the state. The discharger is responsible for meeting all requirements of the applicable Endangered Species Act.

#### **P. Monitoring and Reporting**

Section 122.48 of 40 CFR requires that all NPDES permits specify requirements for recording and reporting monitoring results. Sections 13267 and 13383 of the CWC authorize the Regional Water Boards to require technical and monitoring reports. The Monitoring and Reporting Program (hereinafter MRP) establishes monitoring and reporting requirements to implement federal and State requirements. This MRP is provided in Attachment E.

#### **Q. Standard and Special Provisions**

Standard Provisions, which apply to all NPDES permits in accordance with section 122.41, and additional conditions applicable to specified categories of permits in accordance with section 122.42, are provided in Attachment D. The discharger must comply with all standard provisions and with those additional conditions that are applicable under section 122.42. The Regional Water Board has also included in this Order special provisions applicable to the Discharger. A rationale for the special provisions contained in this Order is provided in the attached Fact Sheet.

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**R. Provisions and Requirements Implementing State Law**

Not Applicable.

**S. Notification of Interested Parties.**

The Regional Water Board has notified the discharger and interested agencies and persons of its intent to prescribe Waste Discharge Requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet (Attachment F) of this Order.

**T. Consideration of Public Comment.**

The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet (Attachment F) of this Order.

**IV. DISCHARGE PROHIBITIONS**

1. The discharge of wastes other than those which meet eligibility requirements of this Order is prohibited unless the discharger obtains coverage under another general permit or an individual permit that regulates the discharge of such wastes.
2. Bypass or overflow of contaminated low threat hydrostatic test water to waters of the State either at the treatment system or from any of the collection or transport systems or pump stations tributary to the treatment system is prohibited.
3. The discharge shall not cause, have a reasonable potential to cause, or contribute to an in-stream excursion above any applicable criterion promulgated by USEPA pursuant to section 303 of the CWA, or water quality objective adopted by the State or Regional Board.
4. The discharge of any radiological, chemical, or biological warfare agent or high level radiological waste is prohibited.
5. The purposeful or knowing discharge of polychlorinated biphenols (PCBs) is prohibited.

**V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

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### A. Effluent Limitations

1. Discharge of an effluent from the outfall location(s) listed in the enrollment authorization factsheet in excess of the following limitations is prohibited.

Constituents	Units	Discharge Limitations	
		Daily Maximum	Monthly Average
Total Suspended Solids	mg/L	150	50
Turbidity	NTU	150	50
BOD5 20°C	mg/L	30	20
pH	pH units	6.5 to 8.5	---
Oil and Grease	mg/L	15	10
Settleable Solids	ml/L	0.3	0.1,
Total Residual Chlorine	mg/L	0.1	---

2. The pH of the discharge shall at all times be within the range of 6.5 and 8.5.
3. The temperature of the discharge shall not exceed 86°F.
4. Attachment B establishes the applicable effluent limits for mineral and nitrogen constituents for discharges covered by this permit. The discharge of an effluent with mineral and nitrogen constituents in excess of applicable limits given in Attachment B is prohibited. In the letter of determination, the Executive Officer shall indicate the watershed/stream reach limitations in Attachment B applicable to the particular discharge.
5. Pass-through or uncontrollable discharges of PCBs shall not exceed daily average concentrations of 14 ng/L into fresh waters or 30 ng/L into estuarine waters.
6. The acute toxicity of the effluent shall be such that the average survival in the undiluted effluent for any three (3) consecutive 96-hour static or continuous flow bioassay tests shall be at least 90%, with no single test less than 70% survival.
7. The discharge shall meet effluent limitations and toxic and effluent standards established pursuant to sections 301, 302, 304, 306, and 307 of the Clean Water Act, and amendments thereto.

### B. Land Discharge Specifications

Not Applicable.

### C. Reclamation Specifications

Not Applicable.

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## VI. RECEIVING WATER LIMITATIONS

### A. Surface Water Limitations

1. The discharge shall not cause the following to be present in receiving waters:
  - a. Toxic pollutants at concentrations that will bioaccumulate in aquatic life to levels that are harmful to aquatic life or human health.
  - b. Biostimulatory substances at concentrations that promote aquatic growth to the extent that such growth causes nuisance or adversely affects beneficial uses.
  - c. Chemical substances in amounts that adversely affect any designated beneficial use.
  - d. Visible floating materials, including solids, liquids, foams, and scum.
  - e. Oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the receiving water or on objects in the water.
  - f. Suspended or settleable materials in concentrations that cause nuisance or adversely affect beneficial uses.
  - g. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses.
  - h. Substances that result in increases of BOD<sub>5</sub>20°C that adversely affect beneficial uses.
  - i. Fecal coliform concentration which exceed a log mean of 200 per 100 ml (based on a minimum of not less than five samples equally spaced over a 30-day period), any single sample shall not exceed 400 per 100 ml.
  - j. Concentrations of toxic substances that are toxic to, or cause detrimental physiological responses in, human, animal, or aquatic life.
2. The discharge shall not cause the following to occur in the receiving waters:
  - a. The dissolved oxygen to be depressed below:

WARM <sup>2</sup> designated waters	5 mg/L
COLD <sup>2</sup> designated waters	6 mg/L
COLD and SPWN <sup>2</sup> Designated waters	7 mg/L
  - b. The pH to be depressed below 6.5 or raised above 8.5, and the ambient pH levels to be changed from natural conditions in inland waters more than 0.5 units or in estuaries more than 0.2 units.

<sup>2</sup> Beneficial Uses: WARM - Warm Freshwater Habitat; COLD - Cold Freshwater Habitat; SPWN - Spawning, Reproduction, and/or Early Development.

- c. The temperature at any time or place and within any given 24-hour period to be altered by more than 5°F above natural temperature; but at no time be raised above 80°F for waters with a beneficial use of WARM (Warm Freshwater Habitat).
  - d. The turbidity to increase to the extent that such an increase causes nuisance or adversely affects beneficial uses; such increase shall not exceed 20% when the natural turbidity is over 50 NTU or 10% when the natural turbidity is 50 NTU or less.
  - e. Residual chlorine in concentrations that persist and impairs beneficial uses.
  - f. Any individual pesticide or combination of pesticides in concentrations that adversely affect beneficial uses or increase pesticide concentration in bottom sediments or aquatic life.
3. The discharge shall not alter the color, create a visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters.
  4. The discharges shall neither cause nor contribute to the exceedance of water quality standards and objectives nor create conditions of nuisance in the receiving waters.
  5. The discharge shall not degrade surface water communities and population including vertebrate, invertebrate, and plant species.
  6. The discharge shall not damage, discolor, nor cause formation of sludge deposits on flood control structures or facilities nor overload their design capacity.
  7. The discharge shall not cause problems associated with breeding of mosquitoes, gnats, black flies, midges, or other pests.

#### **B. Groundwater Limitations**

Not Applicable.

### **VII. PROVISIONS**

#### **A. Standard Provisions**

1. The Discharger shall comply with all Standard Provisions included in Attachment D of this Order.
2. The Discharger shall comply with the following provisions:
  - a. The Executive Officer may require any discharger authorized under this Order to apply for and obtain an individual NPDES permit with more specific requirements. The Executive Officer may require any discharger authorized to discharge under this permit to apply for an individual permit only if the discharger has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a

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statement setting a deadline for the discharger to file the application, and a statement that on the effective date of the individual permit, the authority to discharge under this general permit is no longer applicable.

- b. The discharger shall comply with all the applicable items of the *Standard Provisions and Reporting for Waste Discharge Requirements* (Standard Provisions), which are part of this general permit (Attachment D). If there is any conflict between provisions stated herein and the Standard Provisions, those provisions stated herein prevail.
- c. Prior to application, the discharger shall submit for Executive Officer's review/approval the list of chemicals and proprietary additives that may affect the discharge, including rates/quantities of application, compositions, characteristics, and material safety data sheets, if any.
- d. Oil or oily materials, chemicals, refuse, or other materials that may cause pollution in storm water and/or urban runoff shall not be stored or deposited in areas where they may be picked up by rainfall/urban runoff and discharged to surface waters. Any spill of such materials shall be contained, removed and cleaned immediately.
- e. This Order neither exempts the discharger from compliance with any other laws, regulations, or ordinances that may be applicable, nor legalizes the waste disposal facility.
- f. The discharger shall at all times properly operate and maintain all facilities and systems installed or used to achieve compliance with this Order.
- g. Any discharge authorized under this Order may request to be excluded from the coverage of this Order by applying for an individual permit.
- h. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges from treatment facility, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.

## **B. Monitoring and Reporting Program Requirements**

The Discharger shall comply with the MRP accompanying the transmittal for enrollment under this General NPDES permit, and future revisions thereto. If there is any conflict between provisions stated in the MRP and the Regional Water Board Standard Provisions, those provisions stated in the MRP shall prevail.

## **C. Special Provisions**

- 1. Reopener Provision

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- a. Pursuant to 40 CFR parts 122.62 and 122.63, this Order may be modified, revoked and reissued, or terminated for cause. Reasons for modification may include new information on the impact of discharges regulated under this Order become available, promulgation of new effluent standards and/or regulations, adoption of new policies and/or water quality objectives, and/or new judicial decisions affecting requirements of this Order.
  - b. If receiving water quality is threatened due to discharges covered under this permit, this permit will be reopened to incorporate more stringent effluent limitations for the constituents creating the threat. TMDLs have not been developed for all the parameters and receiving waters on the 303(d) list. When TMDLs are developed this permit may be reopened to incorporate appropriate limits. In addition, if TMDL identifies that a particular discharge covered under this permit is a load that needs to be reduced; this permit will be reopened to incorporate appropriate TMDL based limit and/or to remove any applicable exemptions.
  - c. New discharges and existing discharges regulated under existing general or individual permits, which meet the eligibility criteria, may be regulated under this Order.
  - d. For the purpose of renewal of existing individual NPDES permits with this General Permit, provided that all the conditions of this General Permit are met, renewal is effective upon issuance of a notification by the Executive Officer and issuance of a new monitoring program.
  - e. When an individual NPDES permit with more specific requirements is issued to a discharger, the applicability of this Order to that discharger is automatically terminated on the effective date of the individual permit.
2. Special Studies, Technical Reports and Additional Monitoring Requirements  
  
Not Applicable.
  3. Best Management Practices and Pollution Prevention  
  
This Order requires Dischargers seeking coverage under this General Permit to put in place Agency/System wide or project specific BMPs and PPPs plans, and to implement these plans. The purpose of the BMPs plan is to (1) control and abate the discharge pollutants from the facility to surface waters; (2) achieve compliance with Best Available Technology Economically Achievable (BAT) or Best Conventional Pollutant Control Technology (BCT) requirement; and (3) achieve compliance with applicable water quality standards.
  4. Special Provisions for Municipal Facilities (POTWs Only)  
  
Not Applicable
  5. Other Special Provisions

a. Expiration and Continuation of this Order and Prior Order

This Order expires on June 4, 2014; however, for those dischargers authorized to discharge under this Order, it shall continue in full force and effect until a new order is adopted. Notwithstanding Provision K (Expiration and Continuation of this Order) of Order No. R4-2004-0109, discharges regulated under Order No. R4-2004-0109 on or before sixth day of notification of adoption of this Order, that has submitted and a completed NOI may continue under Order No. R4-2004-0109 until enrolled under this General Permit.

b. Reauthorization

Upon reissuance of a new general permit order, dischargers authorized under this Order shall file a Notice of Intent or a new Report of Waste Discharge within 60 days of notification by the Executive Officer.

c. Rescission

Except for enforcement purposes, Order No. R4-2004-0109, adopted by this Regional Water Board on July 1, 2004 is rescinded effective June 4, 2009.

6. Compliance Schedules

Not Applicable.

## VIII. COMPLIANCE DETERMINATION

Compliance with the effluent limitations contained in section V of this Order will be determined as specified below:

### A. General.

Compliance with effluent limitations for priority pollutants shall be determined using sample reporting protocols defined in the MRP and Attachment A of this Order. For purposes of reporting and administrative enforcement by the Regional and State Water Boards, the Discharger shall be deemed out of compliance with effluent limitations if the concentration of the priority pollutant in the monitoring sample is greater than the effluent limitation and greater than or equal to the reporting level (RL).

### B. Multiple Sample Data.

When determining compliance with an AMEL for priority pollutants and more than one sample result is available, the Discharger shall compute the arithmetic mean unless the data set contains one or more reported determinations of "Detected, but Not Quantified" (DNQ) or "Not Detected" (ND). In those cases, the Discharger shall compute the median in place of the arithmetic mean in accordance with the following procedure:

1. The data set shall be ranked from low to high, ranking the reported ND

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values (if any). The order of the individual ND or DNQ determinations is unimportant.

2. The median value of the data set shall be determined. If the data set has an odd number of data points, then the median is the middle value. If the data set has an even number of data points, then the median is the average of the two values around the middle unless one or both of the points are ND or DNQ, in which case the median value shall be the lower of the two data points where DNQ is lower than a value and ND is lower than DNQ.

**C. Average Monthly Effluent Limitation (AMEL).**

If the average (or when applicable, the median determined by subsection B above for multiple sample data) of daily discharges over a calendar month exceeds the AMEL for a given parameter, this will represent a single violation, though the Discharger will be considered out of compliance for each day of that month for that parameter (e.g., resulting in 31 days of non-compliance in a 31-day month). If only a single sample is taken during the calendar month and the analytical result for that sample exceeds the AMEL, the Discharger will be considered out of compliance for that calendar month. The Discharger will only be considered out of compliance for days when the discharge occurs. For any one calendar month during which no sample (daily discharge) is taken, no compliance determination can be made for that calendar month.

**D. Average Weekly Effluent Limitation (AWEL).**

Not Applicable.

**E. Maximum Daily Effluent Limitation (MDEL).**

If a daily discharge <(or when applicable, the median determined by subsection B above for multiple sample data of a daily discharge)> exceeds the MDEL for a given parameter, the Discharger will be considered out of compliance for that parameter for that 1 day only within the reporting period. For any 1 day during which no sample is taken, no compliance determination can be made for that day.

**F. Instantaneous Minimum Effluent Limitation.**

Not Applicable.

**G. Instantaneous Maximum Effluent Limitation.**

Not Applicable.

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## DEFINITIONS, ACRONYMS & ABBREVIATIONS

**Arithmetic Mean ( $\mu$ )**, also called the average, is the sum of measured values divided by the number of samples. For ambient water concentrations, the arithmetic mean is calculated as follows:

$$\text{Arithmetic mean} = \mu = \Sigma x / n \quad \text{where: } \Sigma x \text{ is the sum of the measured ambient water concentrations, and } n \text{ is the number of samples.}$$

**Average Monthly Effluent Limitation (AMEL)**: the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**Average Weekly Effluent Limitation (AWEL)**: the highest allowable average of daily discharges over a calendar week (Sunday through Saturday), calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

**Bioaccumulative** pollutants are those substances taken up by an organism from its surrounding medium through gill membranes, epithelial tissue, or from food and subsequently concentrated and retained in the body of the organism.

**Carcinogenic** pollutants are substances that are known to cause cancer in living organisms.

**Coefficient of Variation (CV)** is a measure of the data variability and is calculated as the estimated standard deviation divided by the arithmetic mean of the observed values.

**Daily Discharge**: Daily Discharge is defined as either: (1) the total mass of the constituent discharged over the calendar day (12:00 am through 11:59 pm) or any 24-hour period that reasonably represents a calendar day for purposes of sampling (as specified in the permit), for a constituent with limitations expressed in units of mass or; (2) the unweighted arithmetic mean measurement of the constituent over the day for a constituent with limitations expressed in other units of measurement (e.g., concentration).

The daily discharge may be determined by the analytical results of a composite sample taken over the course of one day (a calendar day or other 24-hour period defined as a day) or by the arithmetic mean of analytical results from one or more grab samples taken over the course of the day.

For composite sampling, if 1 day is defined as a 24-hour period other than a calendar day, the analytical result for the 24-hour period will be considered as the result for the calendar day in which the 24-hour period ends.

**Detected, but Not Quantified (DNQ)** are those sample results less than the RL, but greater than or equal to the laboratory's MDL.

**Dilution Credit** is the amount of dilution granted to a discharge in the calculation of a water quality-based effluent limitation, based on the allowance of a specified mixing

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zone. It is calculated from the dilution ratio or determined through conducting a mixing zone study or modeling of the discharge and receiving water.

**Effluent Concentration Allowance (ECA)** is a value derived from the water quality criterion/objective, dilution credit, and ambient background concentration that is used, in conjunction with the coefficient of variation for the effluent monitoring data, to calculate a long-term average (LTA) discharge concentration. The ECA has the same meaning as waste load allocation (WLA) as used in U.S. EPA guidance (Technical Support Document For Water Quality-based Toxics Control, March 1991, second printing, EPA/505/2-90-001).

**Enclosed Bays** means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays include, but are not limited to, Humboldt Bay, Bodega Harbor, Tomales Bay, Drake's Estero, San Francisco Bay, Morro Bay, Los Angeles-Long Beach Harbor, Upper and Lower Newport Bay, Mission Bay, and San Diego Bay. Enclosed bays do not include inland surface waters or ocean waters.

**Estimated Chemical Concentration** is the estimated chemical concentration that results from the confirmed detection of the substance by the analytical method below the ML value.

**Estuaries** means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuarine waters included, but are not limited to, the Sacramento-San Joaquin Delta, as defined in Water Code section 12220, Suisun Bay, Carquinez Strait downstream to the Carquinez Bridge, and appropriate areas of the Smith, Mad, Eel, Noyo, Russian, Klamath, San Diego, and Otay rivers. Estuaries do not include inland surface waters or ocean waters.

**Inland Surface Waters** are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

**Instantaneous Maximum Effluent Limitation:** the highest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous maximum limitation).

**Instantaneous Minimum Effluent Limitation:** the lowest allowable value for any single grab sample or aliquot (i.e., each grab sample or aliquot is independently compared to the instantaneous minimum limitation).

**Maximum Daily Effluent Limitation (MDEL)** means the highest allowable daily discharge of a pollutant, over a calendar day (or 24-hour period). For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in

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other units of measurement, the daily discharge is calculated as the arithmetic mean measurement of the pollutant over the day.

**Median** is the middle measurement in a set of data. The median of a set of data is found by first arranging the measurements in order of magnitude (either increasing or decreasing order). If the number of measurements ( $n$ ) is odd, then the median =  $X_{(n+1)/2}$ . If  $n$  is even, then the median =  $(X_{n/2} + X_{(n/2)+1})/2$  (i.e., the midpoint between the  $n/2$  and  $n/2+1$ ).

**Method Detection Limit (MDL)** is the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero, as defined in title 40 of the Code of Federal Regulations, Part 136, Attachment B, revised as of July 3, 1999.

**Minimum Level (ML)** is the concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

**Mixing Zone** is a limited volume of receiving water that is allocated for mixing with a wastewater discharge where water quality criteria can be exceeded without causing adverse effects to the overall water body.

**Not Detected (ND)** are those sample results less than the laboratory's MDL.

**Ocean Waters** are the territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

**Persistent** pollutants are substances for which degradation or decomposition in the environment is nonexistent or very slow.

**Pollutant Minimization Program (PMP)** means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bioaccumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Regional Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

**Pollution Prevention** means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3).

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Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium, unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Regional Water Board.

**Reporting Level (RL)** is the ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Regional Water Board either from Appendix 4 of the SIP in accordance with section 2.4.2 of the SIP or established in accordance with section 2.4.3 of the SIP. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

**Satellite Collection System** is the portion, if any, of a sanitary sewer system owned or operated by a different public agency than the agency that owns and operates the wastewater treatment facility that a sanitary sewer system is tributary to.

**Source of Drinking Water** is any water designated as municipal or domestic supply (MUN) in a Regional Water Board Basin Plan.

**Standard Deviation ( $\sigma$ )** is a measure of variability that is calculated as follows:

$$\sigma = (\sum[(x - \mu)^2]/(n - 1))^{0.5}$$

where:

x is the observed value;

$\mu$  is the arithmetic mean of the observed values; and

n is the number of samples.

**Toxicity Reduction Evaluation (TRE)** is a study conducted in a step-wise process designed to identify the causative agents of effluent or ambient toxicity, isolate the sources of toxicity, evaluate the effectiveness of toxicity control options, and then confirm the reduction in toxicity. The first steps of the TRE consist of the collection of data relevant to the toxicity, including additional toxicity testing, and an evaluation of facility operations and maintenance practices, and best management practices. A Toxicity Identification Evaluation (TIE) may be required as part of the TRE, if appropriate. (A TIE is a set of procedures to identify the specific chemical(s) responsible for toxicity. These procedures are performed in three phases (characterization, identification, and confirmation) using aquatic organism toxicity tests.)

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## ACRONYMS & ABBREVIATIONS

AMEL	Average Monthly Effluent Limitation
B	Background Concentration
BAT	Best Available Technology Economically Achievable
Basin Plan	Water Quality Control Plan for the Coastal Watersheds of Los Angeles and Ventura Counties
BCT	Best Conventional Pollutant Control Technology
BMP	Best Management Practices
BMPP	Best Management Practices Plan
BPJ	Best Professional Judgment
BOD	Biochemical Oxygen Demand
BPT	Best practicable treatment control technology
C	Water Quality Objective
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CTR	California Toxics Rule
CV	Coefficient of Variation
CWA	Clean Water Act
CWC	California Water Code
DMR	Discharge Monitoring Report
DNQ	Detected But Not Quantified
ECA	Effluent Concentration Allowance
ELAP	California Department of Health Services Environmental Laboratory Accreditation Program
ELG	Effluent Limitations, Guidelines and Standards
gpd	gallons per day
IC	Inhibition Coefficient
IC <sub>15</sub>	Concentration at which the organism is 15% inhibited
IC <sub>25</sub>	Concentration at which the organism is 25% inhibited
IC <sub>40</sub>	Concentration at which the organism is 40% inhibited
IC <sub>50</sub>	Concentration at which the organism is 50% inhibited
LA	Load Allocations
LOEC	Lowest Observed Effect Concentration
LTA	Long-Term Average
MDEL	Maximum Daily Effluent Limitation
MDL	Method Detection Limit
MEC	Maximum Effluent Concentration
MGD	Million Gallons Per Day
mg/L	Milligrams per Liter
ML	Minimum Level
MRP	Monitoring and Reporting Program

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